

on cotton warehouse receipts; prescribing the life of this bill, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

COLLINS, Chairman.

Committee Room,
Austin, Texas, August 31, 1914.

Hon. Robt. L. Warren, President Pro Tem. of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred

S. B. No. 9, A bill to be entitled "An Act to amend Chapter 37 of the General Laws, enacted by the Thirty-third Legislature, First Called Session, July 21 to August 19, A. D. 1913, providing for the conduct of the business of a public warehouseman, describing what constitutes such warehouse and defining what shall be held to be public warehousemen; providing that all persons, firms and corporations, or associations of persons, shall obtain a permit of authority from the Commissioner of Insurance and Banking, and defining the requisites of said permit; providing a bond for the public warehousemen; and providing that such public warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouse, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said Commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

COLLINS, Chairman.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, September 2, 1914.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Warren.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Johnson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Morrow.
Clark.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Westbrook.
Hall.	Wiley.
Harley.	Willacy.
Hudspeth.	

Absent—Excused.

Nugent.

Prayer by Dr. V. A. Godbey.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Taylor.

SIMPLE RESOLUTION.

By Senator McNealus:

Resolved, That further consideration of warehouse bills be postponed until September 24, 1914.

The resolution was read.

MESSAGE FROM THE GOVERNOR.

Here a messenger from the Governor's Office appeared at the bar of the Senate and presented a "message from the Governor" to the Senate.

SIMPLE RESOLUTION.

Action recurred on the pending simple resolution by Senator McNealus.

The resolution was read second time.

Senator Clark moved to table the resolution and moved the previous question on the motion to table. The motion for the previous question being duly seconded, was so ordered.

The motion to table the resolution was adopted.

MESSAGES FROM THE GOVERNOR.

The Chair here laid before the Senate the following messages from the Governor:

Governor's Office.

Austin, Texas, September 2, 1914.

To the Senate:

Section 12 of Article 4 of the Constitution of Texas provides that all appointments to office made by the Governor during a recess of the Legislature, requiring confirmation by the Senate, shall be nominated by him to the Senate "during the first ten days of its session." In compliance with the provision of the Constitution referred to, I hereby nominate and ask the advice and consent of the Senate to the following appointments, to-wit:

To be judge of the Special District Court of the Fifth Judicial District—W. T. Armistead of Marion county.

To be judge of the Seventy-third Judicial District—W. F. Ezzell of Bexar county, to fill vacancy.

To be judge of the Fifty-ninth Judicial District—M. H. Garnett of Collin county, to fill vacancy.

To be judge of the Seventh Judicial District—Barney Briggs of Upshur county, to fill vacancy.

To be Criminal District Attorney for Harris county—Clarence Kendall of Harris county.

To be District Attorney of the Eighth Judicial District—Mayo W. Neyland of Hunt county.

To be members of various governing boards of educational and eleemosynary institutions, to fill vacancies for unexpired terms as shown by their commissions:

To be members of the Board of Regents of the University of Texas: Will C. Hogg of Harris county, David Harrell of Travis county and J. W. Graham of Travis county.

To be member of the Board of Managers for the Confederate Home—W. M. Walton of Travis county.

To be members of the Board of Managers for the Confederate Woman's Home—James Keeble of Travis county and Pete Lawless of Travis county.

To be members of the Board of Trustees for the Deaf and Dumb Institute—Ike D. White of Travis county, Wm. Bohn of Travis county and A. W. Pfleger of Travis county.

To be member of the Board of Managers for the State Orphan Home at Corsicana—W. B. Gray of Navarro county.

To be member of the Board of Managers for the State Lunatic Asylum at Austin—Peter Schramm of Williamson county.

To be members of the Board of Managers for the Southwestern Insane Asylum at San Antonio—Atlee B. Ayres of Bexar county.

To be members of the Board of Regents for the State Normal Schools—Sam Sparks of Travis county and J. S. Kendall of Dallas county.

To be member of the State Board of Pharmacy—W. H. Cousins of Wichita county.

To be member of the State Board of Medical Examiners—Dr. E. M. Woods of Williamson county.

To be member of the Board of Pilot Commissioners for the Sabine-Neches Canal—Robert Morgan, Jr., of Orange county.

To be member of Governing Board of the Agricultural Experiment Stations—W. A. Tynes of Delta county.

To be members of the Industrial Accident Board—Jos. D. Sayers of Travis county, W. J. Moran of Tarrant county and O. P. Pyle of Bell county.

To be members of the Board of Water Engineers—J. C. Nagle of Brazos county for the six-year term, Jno. Wilson of Ward county for the four-year term and E. B. Gore of Hidalgo county for the two-year term.

To be Dairy and Pure Food Commissioner—Claude O. Yates of Travis county.

To be member of the State Fire Insurance Commission—S. Wallace English of Cooke county.

Respectfully submitted,
O. B. COLQUITT,
Governor of Texas.

Governor's Office,

Austin, Texas, September 2, 1914.

To the Senate:

In conformity with Section 12, Article 4 of the Constitution of Texas, which requires that the Governor shall transmit to the Senate his recess appointments within ten days after it convenes, I beg to respectfully ask the advice and consent of the Senate to the following recess appointments, to-wit:

To be members of the Board of Prison Commissioners—W. O. Murray of Wilson County, Sidney J. Bass of Kaufman County and W. O. Stamps of Upshur County.

In transmitting the foregoing appointments, I am constrained, with the per-

mission of the Senate, to submit the following observations:

Following the investigation by the Legislature into prison affairs, the Thirty-first Legislature, at one of its special sessions, enacted a new law for the government and control of the State's prison system. This new law created the Board of Prison Commissioners, and conferred the absolute management and control of prison affairs into their hands. This Board of Prison Commissioners, by the terms of the statute, was to be appointed by the Governor, beginning for terms of eight, sixteen and twenty-four months. In exact harmony with the requirement of this statute, three Prison Commissioners were appointed, one named for eight months, one for sixteen months and one for twenty-four months, and at the expiration of said terms, the Commissioners originally appointed were reappointed.

On the last day of the First Called Session of the Thirty-third Legislature, the Senate rejected all three of these Commissioners. The duty was imposed upon the Governor, under the Constitution, to appoint other citizens of the State to take their places. On assuming the duties of the Governor's office on January 17th, 1911, I was confronted with the duty of appointing a Board of Prison Commissioners, and charged with reorganizing the penitentiary system under the new law. Although I had an office in the Capitol, and was here practically all the time when this new prison law was being discussed and framed, I was not consulted as to its provisions and did not inject my opinions into the discussion of the bill.

In my campaign for the Democratic nomination for Governor I had advocated a reformation in prison management, and this promise I have endeavored to carry out to the best of my ability so far as the law permitted me to do so, to the end that the general management and treatment of prisoners has become more humane and in harmony with what I believe to be the wish and desire of the Christian community comprising the population of our great commonwealth.

Unfortunately the prison system was without money to carry into effect the provisions of the new law. The new law entailed upon the prison management extraordinary expenses which are not necessary to be mentioned here, for

the present Senate understands them. Midst the strife and turmoil and bitterness, I have endeavored at all times to be patient, forbearing and as charitable as possible, under most provoking circumstances.

In a little more than five months, my second term as Governor will expire, and I hope that I will be permitted to complete my term of office in peace and harmony with all good citizens interested in the welfare of the State, and especially in the successful and humane management of our prison affairs. After the adjournment of the First Called Session of the present Legislature, the duty devolved upon me to select three new Prison Commissioners. It was exceedingly difficult to prevail upon those whom I desired to appoint, to accept service in this branch of the State government. I tendered appointment to places to two ex-Senators who had resigned their places in the Senate to accept service with the administration. One of these indicated a willingness to accept the appointment and the other declined. Whereupon I tendered the remaining two places on the Board of Prison Commissioners to two members of the Senate whom I looked upon as being competent to discharge the duties of these responsible places, who were not my political supporters. I was prompted to do this in part on account of the desire to see the penitentiary absolutely divorced from politics, and the provisions of the constitutional amendment expressed in Section 58, Article 16, fully carried out. These Senators declined my offer of appointment.

After offering the places to numerous worthy citizens, it was several weeks before I could secure the acceptance of appointments to fill the two places still remaining vacant. The Prison Commissioners now in office had a most arduous duty to perform, and I believe that they have discharged this duty well. They have conducted the affairs of the prison system in a harmonious manner, have brought about great reductions in the operating expenses of the prison system, and in every way have proven themselves worthy of their trust. I submit for your consideration in this connection the following comparative statement of expenses for the first six months of the years 1912, 1913 and 1914, to show their general successful business management:

	1912	1913	1914
January	\$143,644.99	\$125,635.57	\$ 90,171.75
February	126,957.88	113,636.35	84,601.39
March	157,877.55	113,387.09	66,383.50
April	128,759.71	92,787.23	56,539.47
May	122,709.26	107,647.85	52,484.99
June	115,373.97	109,195.67	53,207.43
Total	\$795,323.36	\$662,291.66	\$403,388.52

I am induced to submit these observations along with the nominations for Prison Commissioners on account of the information reaching me that one of the members of your distinguished body was polling the Senate with a view of committing sufficient members to unfavorable action upon these appointments, in order that my successor might have the appointment of Prison Commissioners. We have all taken the oath which obligates us to uphold and support the Constitution. The constitutional amendment was intended to take the prison management, as far as possible, out of politics, and to prevent it from being subject to administrative changes in the Governor's office. To refuse to confirm the present Prison Commissioners for the political reason above suggested, it seems to me would negative the purpose of the constitutional provision bearing on this subject.

If there is any other reason than that assigned why these Prison Commissioners should not be continued in office, it has not been reported to me. Knowing my appointees as I do, I believe I can say without hesitation that if my successor has policies affecting prison management which the present Prison Commissioners can not conscientiously approve, out of respect to themselves and to the Governor, they would not wish to continue in service. However, this opinion is due to the faith and confidence I have in the high integrity and purposes of the personnel of the Prison Commission. In making the statement, I am not attempting to speak for them, but only for myself as to what I believe would actuate them.

I hear no one objecting to the confirmation of Hon. W. O. Murray, who for the last fifteen years or more has served in the Legislature of Texas, either in the House of Representatives or in the Senate. When I was a member of the State Senate, he was the chairman of finance committee of the House of Representatives, and I dare say that no more industrious or conscientious man

ever occupied that important chairmanship in the popular branch of our Legislature. Mr. Murray has had experience as a merchant, as a banker, as a farmer and as a legislator, and has made a marked success in managing the finances of the prison system since he was elected finance commissioner. He has acted as chairman of the Commission from the time of his appointment. He is a man of great industry, of unswerving will and unchallenged integrity.

Sidney J. Bass of Kaufman county is a man whom I have known for more than a quarter of a century. For personal honor and honesty, consecration to duty in the discharge of any public trust or of a private citizen, he is the equal of any. He is modest, of but few words, but a man of splendid judgment and ability, and a good organizer, as shown by the success of his efforts since becoming a member of the Board of Prison Commissioners. He has reorganized the farm forces, and the statement quoted below shows that he has reduced the expenses in managing the prison farms for the first seven months of the year 1914 as compared with the same months of 1913, more than \$131,000.

It is urged against Mr. Bass that he is not a practical farmer. On the contrary, I submit that the result of one's labor is the best proof of his efficiency. Mr. Bass's success is attested by the fact that all of the farm forces now working on the prison plantations are well organized, harmoniously managed, and are being worked with the best result. Unless some unforeseen calamity takes place, we have the promise of the biggest cotton crop ever produced on the prison farms, and other crops likewise are promising. The following comparative statement of operating expenses of State farms for the first seven months of the years 1913 and 1914 is evidence of Mr. Bass's successful organization and business management of these farms:

Farm	1913	1914	Decrease	Increase
Harlem	\$ 63,858.54	\$ 41,366.33	\$ 22,492.21	
Imperial	78,940.05	52,019.76	26,920.29	
Clemens	83,075.24	52,248.91	30,826.33	
Ramsey	86,285.94	55,578.59	30,707.35	
Wynne	19,605.81	11,856.20	7,749.61	
Goree	13,333.82	7,658.06	5,675.76	
B. Blakely	23,467.70	20,609.21	2,858.49	
House	32,467.57	34,156.87		\$1,689.30
Shaw	17,293.83	14,620.84	2,672.99	
Trammell	22,018.95	18,866.92	3,152.03	
Total	\$440,347.45	\$308,981.69	\$133,055.06	\$1,689.30
Net			\$131,365.76	
Rogers Farm		\$13,155.48		
(Established 1914.)				

The Senate already understands that upon each one of these farms a superintendent is employed who has active charge and direct supervision of the prisoners and the work they do upon the farm. Most of these superintendents are men of experience in handling prison labor, and in the cultivation of Brazos bottom lands, and the results obtained under Commissioner Bass's supervision fully attest his ability as a "business farmer." It is true that before his appointment as Prison Commissioner, he had for a number of years theretofore been engaged in mercantile pursuits, but like many of our successful men, while he engaged in business pursuits and resided in town, he owned and was interested in and managed a farm in the country. The best evidence of practical management of the prison farms is success itself.

The third member of the Board of Prison Commissioners, Hon. W. O. Stamps of Upshur county, has had long experience as a business man and as a farmer. At the time of his appointment, he was the president of a State bank in a country town, was interested in the mercantile business with his sons, and had theretofore had much experience in the management of manufacturing industries and in farming. He served his district in the Legislature, was an active member of the committee appointed by the Thirty-first Legislature to investigate the abuses in the management of State prison affairs, and was an active advocate and supporter of the present prison law. I have heard no criticism of him, except of his humane manner to and kind treatment of the prisoners. He has been designated as the Commissioner to have charge of the prisoners and the industries of the prison at Huntsville and at Rusk.

Mr. Stamps, when I was first elected Governor, supported one of my opponents, and came to the Legislature feeling antagonistic toward me. But I am proud to say of him, and to his credit, that after he became better acquainted with me personally, and understood my purposes and disposition more perfectly, that he ceased to be an opponent, and became a friend and cooperated with me to secure immediate amendments to the prison law. In making my appointments to office, I have always preferred to confer honors upon those who were my political friends, and have always given them the preference, other things being equal. But I have been guided principally by a desire to appoint competent and worthy men to public places. While this course I think is not subject to just criticism, at the same time, I deem it not out of place to say that at least two of my appointees on the present Board of Prison Commissioners have at different times opposed my nomination for Governor. In the discharge of my public duty, however, I have striven to rise above being controlled by past differences of opinion, and in these cases have conferred appointments upon men who I believe to be entirely worthy of my confidences and of the confidence of the Senate.

Much has been said about putting the prison system upon a self-supporting basis. This is much easier said than done, for out of 3700 convicts in the penitentiary, at least two-thirds of them work upon prison farms. The product of these farms depends much upon the seasons, and are subject to floods and pests, just as privately owned farms are. However, under the management of the present Board of Prison Commissioners, expenses of operating have been reduced to the minimum of \$65,000 per month, which was about the expense in-

curred in the support of the prison system under the old law, and there are several hundred more prisoners now to be cared for than were in the penitentiary four years ago. Notwithstanding all the losses by floods and by fire, the prison system has already about been placed on a self supporting basis, assuming that the crops now practically made can be successfully harvested and marketed at their reasonable value.

I learn that it has been suggested that the Senate do not now act upon my recess appointments for Prison Commissioners, but that action be deferred until the regular session of the Senate next January, at which time it is hoped to defeat and humiliate at least two of the appointments now submitted for your consideration. I earnestly appeal for a square deal for these men, and believe that they are entitled to consideration at this time.

Respectfully submitted,
O. B. COLQUITT,
Governor of Texas.

MESSAGE FROM THE GOVERNOR.

Pending the reading of the above messages, the following message was presented to the Senate by messenger from the Governor's office:

Governor's Office.

Austin, Texas, September 3, 1914.

To the Senate:

I ask the advice and consent of the Senate to the appointment of the following persons to be Notaries Public:

Atascosa County—J. D. Peeler, Carl Hollingsworth.

Bastrop County—W. L. Moore.

Bell County—S. D. Hanna, R. H. Patterson, W. R. Butler, Jr., B. B. Chappell and Lewis H. Jones.

Bexar County—T. W. Schoepfer, W. S. Kotch, J. F. Boyls, Mrs. Jos. Aidridge, E. E. Kreuger, Frances R. Howard, C. R. Young, Louise Haecker, Annie Saxon and George C. Westervelt.

Cameron County—H. S. Williams, G. E. Dodd, H. W. Williams.

Cass County—E. H. Ball, A. C. Oliver, Jr., A. B. Morris, L. H. Avinger and M. G. Jackson, D. B. Tomberlain.

Coke County—J. T. Daniel and W. V. Greenland.

Collingsworth County—W. A. Walker, T. N. Childress.

Cooke County—Mrs. J. D. Haynes.

Dallas County—Geo. A. Nicoud, T. F. Monroe, W. L. Ward, Neill H. Banister,

Walter Graner, Wiley A. Bell, Jr., H. C. Bishop, Ewing Clagett, Wm. Arch Jones, W. L. Moore, Harry U. Campbell, G. C. Roughton, A. F. Hambrick, Roscoe C. Moore, Louis Porter, W. C. Woodlief, Theodore Monroe, Oscar Hamilton, Will Ward, N. G. Cofer, T. A. Beaty, C. C. Curtis, R. F. Wells, E. E. Luesley, K. J. Pitts, F. S. Custis, E. M. Thompson, W. O. Smith, Olin E. Nesmith, Claud P. Mann, W. J. Rawls, J. D. Bowles, Evan Rees, M. E. Morrison, R. L. Thornton, Lillian Thixton, A. F. Carter, J. H. Niendorff, M. M. Garrett, A. R. Harned, Earnest R. Tennant, Peareson Ballowe, W. A. Fosdick, Forrest M. Anderson, W. Hoy Wray, Austin F. Allen, Moina Campbell, R. E. Erwin, Jos. W. Bailey, Paul C. Greene, H. H. Manner, Louis H. Porter, T. A. Beatty, C. G. Hommel, Emil G. Atlee, E. E. Turquette, W. R. Zanes, W. R. Lynch, W. M. Miller, Jr., W. D. Jones, Miss S. G. Gerber, W. E. Berry, R. B. Dowler, S. L. Byrd, Nell Boyd, Chas. C. Triplett, W. L. Estill, F. V. Nogueira, Thos. J. Jones, E. P. Gaston, C. B. Miller, R. L. Holmes, W. H. Marchbanks, W. L. Holmes, Mrs. Willye Babb, Grace McAleer, W. C. Rea, H. V. Haynes, William T. Sargeant, Robert Reisenberg, J. J. Metcaife, L. F. Grigsby, Tarlton Morrow, W. R. McCauley, James Jackson, Spencer Adams, Prentice Wilson, Edna A. Wardall, Spence Hardie, Henry G. Thompson, Thurman Barrett.

Fort Bend County—Len. H. Lowry, G. A. Kunkel and J. S. McEachin, Jr.

Freestone County—James R. Sessions.

Frio County—C. J. Harrington.

Galveston County—A. J. Crotty, R. C. Villemore, Bettie E. Norton and Georgiana Rogers.

Gray County—A. G. Richardson, W. H. Holt, Clay E. Thompson.

Grimes County—T. P. Buffington and A. H. Hill.

Harris County—Mrs. Mary Frances Curry, John T. Schulte, Henry Pincus, Mrs. Annie Mennary, M. E. Walrath, Mrs. Anna T. Dyer, A. D. Buskill, Wilbert Davis, Brooke W. Leman, C. C. Parker, C. L. Leach, J. E. Garrett, Chas. A. Tomlinson, Justin Dorbandt, H. Hoval, Leon A. Lusk, Benj. H. Smith, Fred Hathaway, Will C. Koester, J. B. Imber, H. D. Martin, A. H. Littlejohn, A. H. Ueckart, O. C. Bailey, J. M. Heiser.

Hill County—J. M. Meador.

Kleberg County—T. M. Closton.

Lee County—Noah Albers, J. R. Folkes.

Limestone County—R. G. Patton, Fred

T. Bennett, D. W. Harris, Miss Jim Sadler and James B. Franklin.

Martin County—H. L. Winchell.

Montgomery County—J. G. Montgomery, George I. Dean, C. W. Nugent, Jr.

Morris County—Geo. M. Black.

Nacogdoches County—J. W. Baker, Geo. F. Nngraham, A. A. Seale, Cicero Kendrick, John B. Dorsey and R. W. Murphey.

Orange County—W. M. Gunstream, A. C. Snoke and O. R. Scholars.

Rockwall County—W. L. Douthit, Kate Birch and J. P. Shelton.

Runnels County—W. Z. Case, Sam Baker and E. P. Scarbrough.

San Patricio County—H. C. Mills.

Travis County—E. J. Drubert, Worth S. Ray, Addie McClellan, Noel K. Brown, G. T. Stanley, R. E. White, B. F. Brewer and W. S. Freund.

Upshur County—R. M. Briggs.

Walker County—L. C. Cooper.

Wichita County—C. M. McFarland, S. O. Jones, J. Z. Carter, M. L. Allday and Miss Paralee Ragsdale.

Respectfully submitted,

O. B. COLQUITT,

Governor of Texas.

EXECUTIVE SESSION—MOTION TO SET TIME FOR.

At the conclusion of the reading of the above messages, Senator Brelsford moved that the Senate proceed at once to resolve itself into Executive Session for the purpose of considering the appointments above nominated by the Governor.

Senator McGregor moved, as a substitute, that the Senate go into Executive Session on Friday, September 4, for the purpose of considering the nominations.

Senator Brelsford moved to table the substitute motion, which motion to table was adopted by the following vote:

Yeas—18.

Brelsford.	McNealus.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.

Nays—11.

Astin.	Carter.
Bailey of DeWitt.	Clark.
Bailey of Harris.	Conner.

S2—6

Hall.	Morrow.
Harley.	Terrell.
McGregor.	

Absent—Excused.

Nugent.

Senator Hudspeth moved to table the motion by Senator Brelsford, to proceed at once with executive session, and the motion to table was lost by the following vote:

Yeas—13.

Astin.	Hudspeth.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	Morrow.
Carter.	Terrell.
Clark.	Watson.
Hall.	Willacy.
Harley.	

Nays—16.

Brelsford.	Lattimore.
Collins.	McNealus.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.

Absent—Excused.

Nugent.

The motion by Senator Brelsford was then adopted by the following vote:

Yeas—15.

Brelsford.	McNealus.
Collins.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.
Lattimore.	

Nays—14.

Astin.	Harley.
Bailey of DeWitt.	Hudspeth.
Bailey of Harris.	McGregor.
Carter.	Morrow.
Clark.	Terrell.
Conner.	Watson.
Hall.	Willacy.

Absent—Excused.

Nugent.

After the above vote had been declared, and the Senate was preparing for Executive Session, Senator Hudspeth made the point of order that the rules of the Senate provided that appointments sent to the Senate by the Governor should lie over for one day and

could only be considered on the same day by unanimous consent.

The Chair sustained the point of order.

Senator Brelsford moved that Senate Rule 1725 be changed to read a "majority vote" be required to consider appointments by the Governor instead of "unanimous consent" and the motion was ruled out of order on a point of order that the morning call had not been concluded.

Senator Brelsford moved to suspend the regular order of business for the purpose of considering this motion. The motion was lost by the following vote, a two-thirds vote being required:

Yeas—15.

Brelsford.	McNealus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Wiley.
Johnson.	

Nays—13.

Astin.	Hudspeth.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	Morrow.
Carter.	Terrell.
Clark.	Watson.
Hall.	Willacy.
Harley.	

Absent.

Lattimore.

Absent—Excused.

Nugent.

Pending the continuing of the morning call, Senator Clark moved that the Senate recess until 3 o'clock today.

Senator Astin moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the longest time first and the motion to adjourn was lost by the following vote:

Yeas—3.

Astin.	Watson.
Hudspeth.	

Nays—26.

Bailey of DeWitt.	Darwin.
Bailey of Harris.	Gibson.
Brelsford.	Greer.
Carter.	Hall.
Clark.	Harley.
Collins.	Johnson.
Conner.	Lattimore.
Cowell.	McGregor.

McNealus.	Townsend.
Morrow.	Warren.
Real.	Westbrook.
Taylor.	Wiley.
Terrell.	Willacy.

Absent—Excused.

Nugent.

Action then recurred on the motion to recess until 3 o'clock today and the same was lost by the following vote:

Yeas—14.

Astin.	McGregor.
Bailey of DeWitt.	Real.
Carter.	Taylor.
Clark.	Terrell.
Hall.	Watson.
Harley.	Wiley.
Hudspeth.	Willacy.

Nays—15.

Bailey of Harris.	Johnson.
Brelsford.	Lattimore.
Collins.	McNealus.
Conner.	Morrow.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	

Absent—Excused.

Nugent.

Morning call concluded.

SENATE BILL NO. 1.

Action then recurred on the pending business and it was contended that Senate bill No. 1 was before the Senate, since it was under consideration at the close of the session on Monday, the regular pending business not being considered by the Senate on yesterday, it being considered before the Committee of the Whole Senate.

RECESS.

On motion of Senator Townsend the Senate, at 12:30 o'clock p. m., recessed until 3 o'clock today.

AFTER RECESS.

(Afternoon Session.)

MESSAGE FROM THE HOUSE.

Hall of the House of Representatives,
Austin, Texas, September 2, 1914.

Hon. Robt. L. Warren, President Pro Tem. of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 2 with amendments.

Simple resolution, extending invitation to Senate to hear ex-Senator Jos. W. Bailey address the House at 8 p. m. tonight.

Respectfully,
W. R. LONG.

Chief Clerk, House of Representatives.

HOUSE SIMPLE RESOLUTION.

The Chair laid before the Senate the following House simple resolution:

Resolved, That the House extend to the Senate a cordial invitation to hear Senator Bailey speak in the Hall of Representatives tonight at 8 o'clock p. m., and that seats in the center aisle be set apart for them.

The resolution was read and on motion of Senator Lattimore, the invitation was accepted.

SENATE BILL NO. 1.

Action recurred on the pending business, S. B. No. 1, and

Senator Brelsford moved that further consideration of S. B. No. 1 be postponed until 5 o'clock today and that it be made a special order for that hour. (Senator Collins in the chair.)

The motion to make S. B. No. 1 a special order for 5 o'clock today was declared lost, the Chair (Senator Collins) holding that it required a two-thirds vote.

The vote on the motion was as follows:

Yeas—16.

Brelsford.	Johnson.
Carter.	Lattimore.
Collins.	McNealus.
Conner.	Real.
Cowell.	Townsend.
Darwin.	Warren.
Gibson.	Westbrook.
Greer.	Wiley.

Nays—11.

Astin.	Hudspeth.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	Terrell.
Clark.	Watson.
Hall.	Willacy.
Harley.	

Absent.

Morrow.	Taylor.
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Absent—Excused.

Nugent.

RESOLUTION SIGNED.

The Chair, President Pro Tem. Warren, gave notice of signing, and did sign, in the presence of the Senate, the following resolution:

H. C. R. No. 1, relating to amendments to the banking law.

SENATE CONCURRENT RESOLUTION NO. 2—HOUSE AMENDMENTS CONCURRED IN.

Senator Watson called up S. C. R. No. 2, with the following House amendment:

Amend by inserting at end of the resolution "To appropriate money for insuring the Capitol building."

On motion of Senator Watson the Senate concurred in the above House amendment.

SENATE BILL NO. 1.

Action recurred on S. B. No. 1, the pending regular order of business, known as the Wiley warehouse bill.

Senator Carter offered the following amendment, which was read and adopted:

Amend the bill, page 8, by striking out all of line 10 after the word "Commissioner" and all of line 11 and insert in lieu thereof the following: "in an amount not less than \$1000 nor more than \$25,000 at the discretion of the Commissioner of Insurance and Banking."

Senator Astin offered the following amendment:

Amend the bill, Section 1, Article 3, line 23, page 2, by striking out all after the word "ink" and all of lines 24 and 25.

On motion of Senator Bailey of Harris the amendment was tabled.

Senator Conner offered the following amendment, which was read and adopted:

Amend the bill, page 5, Section 2, Article 10, by striking out all after the words, "when received," in line 6, down to and including the word "delivered," in line 7, and inserting in lieu thereof the following: "which receipt shall guarantee the weight, grade and delivery of the cotton, in condition received,

natural and ordinary variations excepted."

Senator Harley offered the following amendment, which was read and adopted:

Amend the bill, page 4, Article 8, by striking out the period after the word "seven," and insert the following, "or when he deems it necessary."

MORROW,
HARLEY.

Senator Bailey of DeWitt offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Article 5, Section 2, page 4, and inserting in lieu thereof the following: "Art. 5. The bond provided for in Article 4 shall be executed by the principal and two sureties to be approved by the county judge of the county in which such warehouse may be located, or by the principal and any bonding or surety company authorized to do business in this State to be approved, when executed, by such bonding or surety company as surety, by the Commissioner of Banking and Insurance."

Senator McNealus offered the following several amendments, which were read and adopted, being acted on severally:

(1)

Amend the printed bill, page 3, line 15, by striking out the word "charter" and substituting the word "permit."

(2)

Amend the printed bill, on page 4, line 7, by striking out the word "good."

(3)

Amend the printed bill, page 5, line 11, by striking out the word "charter," and substituting the word "permit."

(4)

Amend the printed bill, page 6, line 1, by striking out the word "charter" and substituting the word "permit."

Senator Harley offered the following amendment, which was read and adopted:

Amend the bill on page 4, line 11, by inserting before the word "validate" the word "in."

Senator Carter offered the following amendment, which was adopted:

Amend the bill, page 3, by striking out all of line 24 after the word "amount" and line 25 to and including the word "bales" and insert in lieu the

following: "not less than \$1000 and not more than \$25,000 at the discretion of the Commissioner of Insurance and Banking."

CARTER.
HARLEY.

Senator Morrow offered the following amendment, which was read and adopted:

Amend bill by striking out Article 2, Section 1, page 2 and renumber the following articles to correspond; also by striking out Section 3, page 9.

Senator Clark offered the following amendment, which was read and adopted:

I move to strike out all of Section 4 of said bill.

Senator Wiley moved to reconsider the vote by which the above amendment, by Senator Clark, was adopted.

The motion to reconsider was adopted.

Action then recurred on the amendment and Senator Wiley moved to table the amendment by Senator Clark, which motion to table was adopted.

SIMPLE RESOLUTION.

By Senator Lattimore:

Resolved, That the Sergeant-at-Arms be authorized to provide the Secretary and the Journal Clerk with postage stamps, not exceeding \$1.50 each, for correspondence of their respective desks. The resolution was read and adopted.

EXECUTIVE SESSION—TIME SET FOR.

Senator Brelsford, at 5:15 o'clock p. m., moved that the Senate designate tomorrow at 3 o'clock p. m. for the Senate to sit in Executive Session for the purpose of considering appointments by the Governor, sent to the Senate today.

The motion was adopted.

ADJOURNMENT.

On motion of Senator Clark the Senate, at 5:20 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

NINTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, September 3, 1914.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Warren.